

9 FAM 42.32(d)(5)
FOURTH PREFERENCE SPECIAL
IMMIGRANTS—CERTAIN INTERNATIONAL
ORGANIZATION AND NATO CIVILIAN
EMPLOYEES

(TL:VISA-219; 11-27-2000)

(i) Entitlement to Status

(TL:VISA-185; 02-26-1999)

An alien is classifiable under INA 203(b)(4) as a special immigrant defined in INA 101(a)(27)(I) or (L) if the consular officer has received a petition approved by the INS to accord such classification, or official notification of such approval, and the consular officer is satisfied from the evidence presented that the alien is within one of the classes described in that section.

[63 FR 68393, Dec. 11, 1998.]

(ii) Timeliness of Application

(TL:VISA-185; 02-26-1999)

An alien accorded status under INA 203(b)(4) because of qualification under INA 101(a)(27)(I) or (L) must appear for a final visa interview and issuance of the immigrant visa within six months of establishing entitlement to status.

[63 FR 68393, Dec. 11, 1998.]

9 FAM 42.32(d)(5) Related Statutory Provisions

INA 101(a)(27)(I)

(TL:VISA-101; 11-25-94)

(27) The term “special immigrant” means—

...

(I)(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and (II) applies for a visa or adjustment of status under this subparagraph no later than his twenty-fifth birthday or six months after the date of the enactment of the Immigration Technical Corrections Act of 1988, whichever is later;

(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of death of such officer or employee, and (II) files a petition for status under this subparagraph no later than six months after the date of such death or six months after the date of the enactment of the Immigration Technical Corrections Act of 1988, whichever is later;

(iii) an immigrant who is a retired officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee's retirement from any such international organization, and (II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after the date of the enactment of the Immigration and Nationality Technical Corrections Act of 1994, whichever is later; or

(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family.

[Added by sec. 312(a) of Pub. L. 99-603, Nov. 6, 1986; amended by sec. 2(o)(1) of Pub. L. 100-525, Oct. 24, 1988; amended by Pub. L. 103-416, October 25, 1994.]

INA 101(a)(27)(L)

(TL:VISA-185; 02-26-1999)

(27) The term “special immigrant” means—

....

(L) an immigrant who would be described in clause (i), (ii), (iii), or (iv) of subparagraph (I) if any reference in such a clause—

(i) to an international organization described in paragraph (15)(G)(I) were treated as a reference to the North Atlantic Treaty Organization (NATO);

(ii) to a nonimmigrant under paragraph (15)(G)(iv) were treated as a reference to a nonimmigrant classifiable under NATO-6 (as a member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, a member of a civil component attached to or employed by an Allied Headquarters under the 'Protocol on the Status of International Military Headquarters' set up pursuant to the north Atlantic Treaty, or as a dependent); and

(iii) to the Immigration Technical Corrections Act of 1988 or to the Immigration and Nationality Technical Corrections Act of 1994 were a reference to the American Competitiveness and Workforce Improvement Act of 1998.

[Added by sec. 421(a) of Pub. L. 105-277, Oct. 21, 1998.]

INA 101(a)(15)(N)

(TL:VISA-219; 11-27-2000)

For provisions of INA 101(a)(15)(N), see 9 FAM 41.82 Related Statutory Provisions.

INA 203(b)(4)

(TL:VISA-48; 10-1-91)

For the provisions of INA 203(b)(4), see 9 FAM 42.32(d)(1) Related Statutory Provisions.

INA 204(a)(1)(E)(i)

(TL:VISA-219; 11-27-2000)

For the provisions of INA 204(a)(1)(E)(i), see 9 FAM 42.32(d)(1) Related Statutory Provisions.